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Attorneys for Defendant and Counterclaimant,
BLOCKBUSTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC., a Delaware corporation,
Plaintiff,

v.

BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

Defendant.

Case No. C 06 2361 WHA (JCS)

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE**

Complaint filed: April 4, 2006

AND RELATED COUNTERCLAIMS

1 WHEREAS, on April 16, 2007 Plaintiff and Counterclaim-Defendant Netflix, Inc.
2 (“Netflix”) and Defendant and Counterclaim-Plaintiff Blockbuster, Inc. (“Blockbuster”)
3 appeared before the Court regarding certain discovery issues;

4 WHEREAS, the Court instructed Netflix and Blockbuster to meet and confer on a
5 proposed briefing schedule and hearing date on the issues surrounding Blockbuster’s reliance on
6 the advice of counsel;

7 WHEREAS, counsel for Netflix and Blockbuster have met and conferred, and reached
8 agreement on a proposed briefing schedule whereby any motion(s) will be filed by May 4, 2007,
9 with opposition(s) due on May 18, 2007, and reply brief(s) due on May 25, 2007, with a hearing
10 date set for June 8, 2007;

11 WHEREAS, the Court has indicated that it is available for a hearing on the matter on
12 June 8, 2007;

13 THEREFORE, Netflix and Blockbuster respectfully request that the proposed briefing
14 schedule set forth in the accompanying proposed order be adopted.

[PROPOSED] ORDER

Any motion(s) relating to the issues surrounding Blockbuster's reliance on the advice of counsel shall be filed no later than **May 4, 2007**.

Any opposition(s) to the motion(s) shall be filed no later than **May 18, 2007**.

Any reply brief(s) on the motion(s) shall be filed no later than **May 25, 2007**.

This matter is set for a hearing before Judge Spero on **June 8, 2007**.

Dated: April 17, 2007

Respectfully submitted,

KEKER & VAN NEST, LLP

By: /s/ Eugene M. Paige

Eugene M. Paige
Attorneys For Plaintiff and Counterclaim
Defendant NETFLIX, INC.

Dated: April 17, 2007

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

By: /s/ Adrienne L. Taclas

Adrienne L. Taclas
Attorneys For Defendant and
Counterclaimant BLOCKBUSTER INC.

Pursuant to stipulation, IT IS SO ORDERED.

Dated: April 18, 2007

By: _____

